

Appl. No. : **10/628,695**
Filed : **July 28, 2003**

REMARKS

The present Response cancels Claims 58-62, amends Claim 46, and adds Claims 63-70 to pending Claims 42-62; therefore, Claims 42-57 and 63-70 remain pending for consideration. The amendment to Claim 46 changes its dependency and corrects antecedent basis. Applicant thanks the Examiner for thoroughly reviewing the pending claims and for indicating allowable subject matter in Claims 42-57. The present Response cancels all of the previously-rejected claims.

Warren Does Not Anticipate Claims 58, 59, 61, And 62

Claims 58, 59, 61, and 62 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Publication No. 2002/0197961 to Warren. Applicant respectfully traverses the rejection; however, to expedite prosecution, Applicant has canceled Claims 58, 59, 61, and 62. The cancellation of these claims renders the rejection moot. Applicant reserve the right to pursue the canceled claims in a future application.

The Warren/Neuhaus Combination Does Not Render Claim 60 Unpatentable

Claim 60 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Warren in view of U.S. Publication No. 2004/004427 to Neuhaus. Applicant respectfully traverses the rejection; however, to expedite prosecution, Applicant has canceled Claim 60. The cancellation of Claim 60 renders the rejection moot. Applicant reserve the right to pursue the canceled claim in a future application.

New Claims 63-70

New Claim 63 depends from allowed Claim 51, and therefore distinguishes over the applied art as well. New Claims 64-70 clearly and non-obviously define over the applied references. For example, Claim 64 recites a wearable wireless audio interface having both wireless telephony and stereo audio receiver capabilities. None of the applied wireless art references provide such features. Additionally, new Claims 63-70 are fully supported by the original specification, and do not add any new matter. Thus, new Claims 63-70 are also in condition for allowance.

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Information Disclosure Statement

Applicant noticed that the Information Disclosure Statement filed with the application on July 28, 2003 has not yet been returned to the Applicant. Applicant respectfully requests that the Examiner consider the references cited in that IDS and return a copy to the Applicant indicating the same. In addition, Applicant has enclosed another Information Disclosure Statement with this Response.

Comment on Examiner's Reasons For Allowance

Applicant respectfully disagrees with the reasons for allowance provided by the Examiner to the extent that the reasons suggest that the claims are patentable only due to one particular portion of the claim language. Applicant contends that the combination of features recited in the claims distinguish over the art of record, and not any one single feature.

CONCLUSION

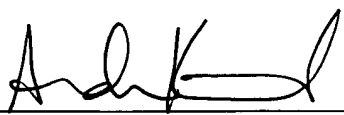
In view of the foregoing amendments and remarks, Applicant requests allowance of this application. If any issues remain or require further clarification, the Applicant invites the Examiner to call Applicant's counsel at the number indicated below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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